

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Nos. 3:19-CR-00220-TAV-DCP-9
)	3:06-CR-00164-TAV-DCP-1
COBIE FUGATE,)	
)	
Defendant.)	

ORDER

These cases are before the Court on defense counsel's Motions to Withdraw as Attorney [3:19-CR-220, Doc. 425; 3:06-CR-164, Doc. 75], filed by Attorney Wesley D. Stone on August 27, 2021 and referred to the undersigned on August 30, 2021. [3:19-CR-220, Doc. 426; 3:06-CR-164, Doc. 76]. Attorney Stone was appointed on February 6, 2020 for Case No. 3:19-CR-220 and on February 19, 2020 for Case No. 3:06-CR-164. In the instant motions, Attorney Stone asks to withdraw for reasons that will be shown during the sealed portion of a hearing on the motions, averring that the attorney-client relationship is irretrievably broken. The hearing was held on September 22, 2021, and Attorney Stone was present along with Defendant Fugate. Assistant United States Attorney Cynthia F. Davidson appeared on behalf of the Government and stated that the Government takes no position nor objects to the instant motions. CJA Panel Attorney Timothy Hudson was also present.

The Court has reviewed the motions and the reasons for withdrawal provided in the sealed portion of the September 22 hearing and does not find good cause for the substitution of new counsel. Information provided to the Court during the sealed portion of the hearing indicated that the attorney-client relationship has not been irretrievably broken at this point. Defendant wishes

to continue to be represented by Attorney Stone, and Attorney Stone has informed the Court that he will be able to continue representation. The Court therefore finds that it is in Defendant's best interest for Attorney Stone to continue to represent him in these cases. However, the Court notes that Defendant provided additional information to Attorney Stone just prior to the hearing, which Attorney Stone needs time to consider in order to evaluate the impact, if any, on the attorney-client relationship going forward.

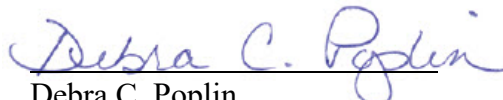
Accordingly, the Motions to Withdraw [3:19-CR-220, Doc. 425; 3:06-CR-164, Doc. 75] are **DENIED**. Attorney Stone is instructed to promptly review the information provided to him by Defendant prior to the hearing and to contact United States District Judge Thomas A. Varlan's chambers to reschedule Defendant's Change of Plea Hearing and Final Hearing regarding the Revocation of Supervised Release, unless upon such review Attorney Stone deems it necessary to renew the Motions to Withdraw.

The Court **ORDERS** as follows:

- (1) The Motions to Withdraw as Attorney [3:19-CR-220, Doc. 425; 3:06-CR-164, Doc. 75] are **DENIED**;
- (2) Attorney Stone is instructed to promptly review the information provided to him by Defendant prior to the hearing and to contact United States District Judge Thomas A. Varlan's chambers to reschedule Defendant's Change of Plea Hearing and Final Hearing regarding the Revocation of Supervised Release, unless upon his review Attorney Stone deems it necessary to renew the Motions to Withdraw.

IT IS SO ORDERED

ENTER:



Debra C. Poplin
United States Magistrate Judge